

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

ASUS TECHNOLOGY LICENSING INC.,
Patent Owner.

IPR2024-01036
Patent No. 11,291,052

**PETITIONER'S PRELIMINARY REPLY TO THE PATENT
OWNER PRELIMINARY RESPONSE**

As authorized by the Board on 11/8/24, Petitioner submits this Preliminary Reply to the POPR as it relates to statements made with respect to Lohr and the Examiner's characterization of the same during prosecution of the '052 patent.

On page 11, the POPR argues "the applicant convinced the examiner that Mujtaba, Ai and Lohr did not teach or suggest the independent claims."

On pages 16-17, the POPR argues:

"During prosecution, the examiner relied on and discussed Lohr as part of two rejections involving the 'single (TB) transport block' limitation..., but was convinced by the applicant that Lohr does not disclose this limitation and withdrew the rejection over Lohr."
(POPR at 16-17.)

On pages 27-28, the POPR argues:

- "[T]he examiner changed their position regarding Lohr and conceded Lohr does not teach the limitation." (POPR at 27)
- "Thus, the examiner ultimately agreed with the applicant and PO that **Lohr does not disclose 'the UE performs a single (TB) transport block of Msg3 transmission to the network according to the TTI information of the Msg3.'**" (POPR at 28 (emphasis added).)

Petitioner disagrees. As noted in the Petition, in the Notice of Allowance, the Examiner expressly stated:

Lohr discloses (Figs. 7-15) perform a single (TB) transport block of Msg transmission to the network according to the TTI information of the Msg [0164, 0120, 0183, 0187].

However, all cited prior arts of record fail to disclose in claims 1, and 8 the rationale and reasoning stated in Applicant's Arguments/Remarks filed on 08/04/2020 and 11/03/2021.

(Ex-1002-052FH at 533 (emphasis added); Petition at 14.) Accordingly, in direct contradiction to the POPR's arguments, the Examiner found that Lohr discloses a single (TB) transport block of Msg transmission to the network according to the TTI information of the Msg. *Id.* Furthermore, the Arguments/Remarks cited by the examiner have nothing to do with the single transport block limitation. (Ex-1002-052FH at 253-59 (08/04/2020 Arguments/Remarks); 514-522 (11/03/2021 Arguments/Remarks).) Both sets of Arguments/Remarks relate to amendments regarding the association of message transmissions with "downlink" and "uplink," which are not related to and do not impact the single transport block limitation.

In sum, the POPRs arguments in relation to the single transport block limitation, Lohr and the Examiner's findings on the same are directly contradicted by the Examiner's statement in the Notice of Allowance.

IPR2024-01036
U.S. Patent 11,291,052

Petitioner's Preliminary Reply to POPR

Respectfully submitted,
GREENBERG TRAURIG, LLP

Date: November 15, 2024

By: /Heath J. Briggs/
Heath J. Briggs (Reg. No. 54,919)
Greenberg Traurig, LLP
1144 15th St. Suite 3300
Denver, CO 80202
Telephone: 303-685-7418
Facsimile: 720-904-6118
BriggsH@gtlaw.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of Petitioner's Preliminary Reply has been served in its entirety via electronic mail by emailing Patent Owner's lead and backup counsel at:

CelerityIPRs@carmichaelip.com

jim@carmichaelip.com

stevemcbride@carmichaelip.com

schreiner@carmichaelip.com

mitch@carmichaelip.com

Respectfully submitted,
GREENBERG TRAUIG, LLP

Date: November 15, 2024

By: /Heath J. Briggs/
Heath J. Briggs (Reg. No. 54,919)
Greenberg Traurig, LLP
1144 15th St. Suite 3300
Denver, CO 80202
Telephone: 303-685-7418
Facsimile: 720-904-6118
BriggsH@gtlaw.com